

SEXUAL ASSAULT – REPORTING AND INVESTIGATION

Directive: 10.21
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Division of Primary Responsibility: Investigations

- I. **PURPOSE:** To establish policy for identifying and investigating sexual assault cases and assisting victimized individuals and communities. To establish and maintain those policies so the department is in compliance with House Bill 2154 and Senate Bill 1571.

Salem Police Department's response to sexual assault will be victim centered and offender focused. Victim centered: we will give time and consideration to the victim's needs, wishes, and concerns throughout the investigation. Offender focused: we will focus our attention on the actions and behaviors of the suspect to determine how the victim was targeted and exploited.

Trauma from crime victimization complicates a victim's ability to participate in the investigation. Trauma affects memory and the ability to recount the events in a chronological narrative form for the investigator, thus potentially hampering their ability to participate in the investigation. Officers and investigators play a significant role in both the victim's willingness to participate in the investigation and ability to cope with the emotional and psychological after effects of the crime. Therefore, it is especially important for sexual assault cases to be handled from a nonjudgmental perspective to communicate the victim is not to blame for the circumstances of the crime. Like all reported crimes, every sexual assault investigation shall be initiated with the belief the reported incident occurred, requiring a thorough investigation to determine the facts in accordance with this policy and documented in a written report.

This directive establishes the CIS Persons Sergeant, as the departmental contact person for victims having questions about the status of their cases and for victims who inquire on the status of their SAFE kits. The CIS Persons Sergeant can be reached Monday through Friday 8AM to 4PM.

CIS Person Crimes has the primary responsibility of investigating felony sexual assaults. Included in this responsibility are cases involving rape, sodomy, sex abuse, incest, bigamy, registered sex offenders, and internet sexual offenses that occur in the City of Salem.

All Sexual Assault Forensic Evidence (SAFE) kits will be submitted to the Oregon State Crime Lab with the exception of those kits that meet the definition of an anonymous kit under Senate Bill 1571. The status of the SAFE kits will be maintained in a database to ensure accurate tracking of the SAFE kits.

Potential prosecution has no influence on submission of SAFE kits.

II. DEFINITIONS:

- A. Family Member: A father, stepfather, mother, stepmother, brother, sister, cousin, uncle, aunt, grandparent/step-grandparent, parent's/guardians current or former live-in boyfriend or girlfriend, separated or divorced parent, foster parent and a legal guardian.
- B. Non-family member: Any person not listed as a family member, including neighbors, friends, teachers, other temporary child custodians and strangers.
- C. Forensic Laboratory Information Form (Form 49): Assists the Oregon State Police Crime Lab in the evaluation of evidence obtained during the sexual assault investigation.
- D. Medical Report Sexual Assault Form: Used by the officer, detective, or hospital personnel to authorize the sexual assault examination, done by qualified medical personnel at an appropriate medical facility. The form documents the results of the sexual assault examination conducted by a physician or sexual assault nurse examiner.
- E. Rape Victim Advocates (RVA): Volunteers who respond to police requests through the Communications Division and stay with the victim through the hospital care to deal with possible emotional trauma of the victim.
- F. SANE – Sexual Assault Nurse Examiners (SANE) are registered nurses who have completed specialized education and clinical preparation in the medical forensic care of the patient who has experienced sexual assault or abuse.
- G. SAFE Kit – Sexual Assault Forensic Exam Kit - The purpose of the sexual assault forensic exam is to assess a victim's health care needs, coordinate treatment of any injuries and collect evidence for potential use during case investigation and prosecution. SAFE kits are collected by a SANE nurse.
- H. Anonymous Kit – a sexual assault forensic evidence kit collected from a victim who has not participated with a law enforcement agency in the creation of a report of the sexual assault.
- I. Third Party Report – Report from a knowledgeable person such as a parent, roommate, or best friend who is aware of a sexual assault. At the time of the report the victim is unable or reluctant to participate in the investigation. Report should be taken as a Citizen Contact. Victim and Suspect will be listed as (O) Other. Report will be routed to CIS.

III. RESPONSIBILITIES OF RESPONDING OFFICER(S):

- A. Responding officer(s) should:
 - 1. Ensure the safety of the victim.
 - 2. Evaluate the need for emergency medical treatment.

3. Determine if the facts being reported are a crime.
 4. Attempt to identify the suspect.
 5. Identify crime scenes (victim, suspect, physical location).
 6. Collect available evidence.
 7. Identify the need for additional resources.
 8. Evaluate the need for a SAFE kit.
 9. Contact a RVA.
 10. Conduct a thorough investigation and complete a detailed report.
 11. When a SAFE Kit has been collected by the hospital and the department is notified the kit is ready for collection by this agency an officer shall be dispatched to the hospital within 24 hours to retrieve the kit. The officer shall immediately log the SAFE Kit in at the Property Control Room.
- B. The CIS Person Crimes Supervisor will be contacted on all felony sex crimes when the following circumstances exist :
1. Incident circumstances include:
 - a. Victim is able to articulate a crime has been committed; and
 - b. Crime is no more than 84 hours old; and
 - c. Victim is willing to cooperate with an investigation (i.e. submit to a SAFE kit); or
 - d. The nature or complexity of the crime requires a detective response or consultation, whether or not a suspect is in custody.
 - e. Victim is a child under the age of 18 years old and the suspect has immediate access to the victim.
 - f. A suspect is identified and is in custody.
 - g. There is an immediate threat to the child, including incidents where the parent(s) of the victim is not protective of the victim
 - h. Fear the perpetrator may and has the means of fleeing the jurisdiction, the state, and/or the country to elude prosecution.

- C. Responding officer(s) will inform their supervisor when Criminal Investigation Section contact is needed. The CIS Person Crimes Supervisor will determine the appropriate response while considering the following:
1. Victims 15 years and older when perpetrator is a non-family member: The responding officer will take an initial statement from the person with the most information, any other witnesses who are available, and will take an initial statement from the victim.
 2. Victims under the age of 15 when perpetrator is a non-family member: The responding officer will take an initial statement from the person with the most information and any other witnesses who are available. The victim WILL be interviewed by the detective assigned the case.
 3. Victims under the age of 18 involving family member perpetrators: The responding officer will take an initial statement from the person who has the most information and any other available witnesses. The child victim WILL be interviewed by the detective assigned the case.
 4. When there is an immediate threat to the child, including incidents where the parent(s) of the victim is not protective of the victim.
 5. Fear the perpetrator may and has the means of fleeing the jurisdiction, the state, and/or the country to elude prosecution.
- D. Responding officers shall be familiar with common defenses to the allegation of sexual assault.
1. Non-Stranger Assault: The majority of non-stranger sexual assaults result in a consent defense.

Thus, evidence of particular importance includes:

- a. Evidence of physical or verbal resistance on the part of the victim (how did the victim verbally or physically communicate "NO" to the suspect?)
- b. Detailed account of the victim's thoughts and feelings during the assault (What did the victim feel might happen if they tried to fight back?)
- c. Information regarding the suspect's size and strength in comparison to the victim's.
- d. Information regarding the environment in which the assault took place (such as isolation).
- e. Evidence of genital or non-genital injury.

- f. Information regarding the victim's behavior after the assault, including common traumatic responses (delay in reporting, etc.).
 - g. Victim's ability or lack thereof to provide consent (developmental disabilities, level of intoxication, etc.)
- 2. Stranger Assault: Evidence in stranger sexual assaults often centers on a question of identification pending the processing of evidence collected, such as biological evidence for DNA, latent fingerprints, lineups, and trace evidence. Therefore, investigative strategies must remain flexible.

IV. RESPONSIBILITIES OF INVESTIGATING OFFICER OR DETECTIVE:

- A. If the rape and/or sodomy occurred within the past 84 hours, advise the victim not to bathe, douche, or change clothes prior to hospital examination, since evidence present on the victim's body and/or clothing may be destroyed.
- B. Advise the victim to bring a complete change of clothing to the hospital due to possible seizure of the clothes currently being worn.
- C. Gather physical evidence.
- D. Request through Communications Division for an RVA to respond to the hospital and conduct a thorough victim interview in the presence of the RVA (if available).
- E. If emergency medical treatment is required, the victim should be transported by ambulance to the nearest hospital.
- F. If emergency medical treatment is not required, but a sexual assault examination is needed, transport the victim to an appropriate hospital. If a detective is responding, notify the detective prior to leaving the scene to determine what investigative processing should occur.
- G. If a detective does not respond; the officer is responsible to:
 - 1. Transport the victim to the appropriate medical facility.
 - 2. Conduct a thorough interview of the victim in the presence of an RVA (if one is available).
 - 3. Conduct a thorough investigation of the crime scene, taking photos of the scene and victim's injuries if any are present that are appropriate to take. If Forensic Crime Lab Specialists are needed the CIS Person Crimes Supervisor will be contacted.
 - 4. Complete an Investigation Report and route the report to the CIS Person Crimes Supervisor prior to end of shift.

5. Ensure the victim is provided with the CIS Persons Sergeant contact information (503) 540-2456 and inform the victim that the CIS Persons Sergeant will be the departmental contact person if they have questions about their case and/or the status on their SAFE Kit.

- H. If a detective does respond, follow directions given by the detective and leave a completed report with the detective prior to the end of shift.

V. RESPONSIBILITIES OF DETECTIVE:

- A. Conduct a thorough investigation and gather evidence as appropriate. Provide direction on investigative responsibilities and procedures to the responding officer(s).
- B. Initial interviews with victims under the age of 18 may be audio, or visually and audio recorded. Utilizing any type of audio recording equipment in order to record what is said and asked during an interview of the victim.
- C. Conduct thorough follow-up on assigned cases and assist the District Attorney's Office with prosecution.

VI. RESPONSIBILITIES OF CIS PERSON CRIMES SERGEANT;

- A. Review all reports of Sexual Assault.
- B. Assign cases to detectives for follow-up with following criteria in mind:
 1. Cases perpetrated by a stranger.
 2. Cases where the victim was initially uncooperative and insufficient information was obtained to conduct a thorough investigation.
 3. Cases where violence is used and injuries are sustained.
 4. Cases where there is a high likelihood of community interest.
- C. Conduct quarterly case management meetings with detectives to ensure adequate resources have been provided.
- D. Review all case clearance reports submitted by detectives to ensure they meet the National Incident Based Reporting System (NIBRS) requirements for case suspension or clearance.
- E. Update case management system of case dispositions.

VII. EVIDENCE DISPOSITION:

- A. The officer submitting the SAFE Kit into Property Control must complete an OSP Sexual Assault Forensic Laboratory Submission Form 49 and submit the form with the SAFE Kit.
- B. The Officer submitting evidentiary items must ensure each item of evidence is packaged and submitted as separate items to the Property Control Room. Officers need to ensure prior to submitting blood and/or urine that the SANE nurse at the hospital has labeled the number of specimens or vials.
- C. Clothing and other evidence wet with blood or other body fluids are biohazards. Refer to Directive 8.05 Evidence and Property Procedure for proper delivery of such evidence items. Universal precautions are recommended, including:
 - 1. Wet body fluids and dry blood: Rubber gloves, mask, and eye protection.
 - 2. Dry body fluids and dry blood: Rubber gloves. If available, mask and eye protection.
- D. Evidence Technicians in the Property Control Room will ensure upon receipt of a SAFE kit from a reporting victim, the SAFE Kit, the OSP Sexual Assault Forensic Laboratory Form 49, along with the SAFE Kit documents, and victim's undergarments are sent to the Oregon State Police Laboratory within 14 days of receiving the SAFE Kit. Anonymous Kits are not to be sent to the Crime Laboratory.
- E. When results of the examination of a SAFE kit are received from the Oregon State Police Laboratory, the Property Control Room will forward the information about the examination of the kit to the CIS Persons section to be entered into the SAFE kit database. Information shall include but not be limited to: the location of the kit, testing date, test results of the kit, whether a DNA sample was obtained from the kit, whether or not there are matches to DNA profiles in state or federal databases and the estimated destruction date for the kit.
- F. The CIS Person's Crime Sergeant will respond to requests for the above information from the victim within 30 days of receipt of the request. The advocate will document those responses in the above mentioned database.
- G. A victim may provide written authorization for a designee of the victim to access information on the case on the victim's behalf. All such requests will be forwarded to the CIS Persons Sergeant.
- H. In the event a victim requests that a previously untested "Anonymous" kit be reclassified as a "non-anonymous kit," or vice versa, the CIS Persons Sergeant shall notify the Oregon State Police Crime Lab of said request and ask that they change the classification of the case and take the appropriate action.

VIII. ANONYMOUS SAFE KITS

House Bill 2154, signed into law on June 1, 2007, eliminates the requirement for law enforcement authorization prior to collection of an Oregon State Police SAFE Kit. HB 2154 establishes a fund for victims of sexual assaults to obtain complete or partial medical assessment. Victims can obtain a medical assessment without law enforcement involvement. The identities of victims can be kept confidential to medical facilities per the victims' request.

- A. 9-1-1 will inform victims of their options of reporting and non-reporting and provide information to the crisis line for assistance, including transportation needs.
- B. Medical facilities will contact advocacy services and will provide the victim their John/Jane Doe SAFE kit number for reporting purposes, should they choose to report. John/Jane Doe SAFE Kits are to be held for a minimum of 60 years, or until a disposition sheet is signed by the District Attorney's Office having jurisdiction, or until the death of the victim, which would allow for the destruction of evidence in the case.
- C. Members will assign a case number and retrieve evidence. John/Jane Doe reports are anonymous and confidential.

For questions, Officers are encouraged to contact the CIS Person Crimes Supervisor.